IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.705 OF 2007
WITH
CIVIL APPLICATION NO.1298 OF 2007

Abdul Rajjak Hasan
Shaikh and Ors. .. Appellants.
Vs.
Abdul Sattar Shaikh
Bashrir and Ors. .. Respondents.

Mr.R.A.Yadav for the appellants.
Mr.Tushare Sonawane for respondent no.1.

CORAM : D.B.BHOSALE, J.
DATED : 17TH OCTOBER, 2007.

P.C.:

. Heard learned counsel for the parties.

2. This appeal is directed against the judgment and order by which the appellate court has allowed the appeal filed by the plaintiffs and decreed a suit for possession of a room admeasuring 20 ft. X 12 ft. holding that the plaintiffs have proved their title over it and they are entitle to have possession thereof. The case set up by the appellant-defendant no.1 that he has become owner of the suit room by adverse possession has been rejected by the appellate court. Mr.Yadav, learned counsel for the appellants assailed the judgment solely on the ground that the appellant/defendant no.1 has become the owner of the

suit room by adverse possession. I perused the judgment of the appellate court and more particularly paragraph 19 thereof wherein the point of adverse possession has been discussed by the appellate court. The appellate court has rightly answered the point of adverse possession in negative holding that the appellants are not entitled to claim adverse possession in view of the denial of title of the plaintiffs. In my opinion, the findings recorded by the appellate court are entiredly based on the evidence on record and deserve no interference by this court. In the circumstances this second appeal stands dismissed. Consequently, the civil application also stands disposed of.

(D.B.BHOSALE, J.)